

Deficiency Progress Report - Update 2

Report Submitted October 24, 2008

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: County of San Diego, Department of Environmental Health
Hazardous Materials Division

Evaluation Date: April 23 and 24, 2008

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Deficiencies Corrected with Update 1: #4

Deficiencies Corrected with Update 2: #2 and #3

Deficiency 1: Of the files reviewed, not all of the submittals required for a Permit to Operate, or other required submittals were found in all of the files. UPCFs are required to be retained for a minimum of five years. CUPAs are also required to collect, retain and manage any additional information required by state or federal law

Preliminary Corrective Action(s): By June 24, 2008, the CUPA will provide an action plan for ensuring that submitted documents are incorporated into the files. The CUPA will update CalEPA on the implementation of this plan every 90 days.

CUPA Corrective Action, (Update 1): The County of San Diego has implemented the following steps to correct this deficiency:

- In April 2008, DEH-HMD began requiring all UST facilities to replace existing monitoring plans with the new UPCF monitoring plan.
- In July 2008, the DEH-HMD sent a letter to all facilities with underground storage tanks (UST's) in the county, requesting owners and operators of UST systems to submit to the CUPA the new Unified Program Consolidated forms developed by the State Water Resources Board

SWRCB Response: The SWRCB evaluator is pleased with the progress the CUPA is making to correct this deficiency; however, the UPCF's are only part of the submittals that must be in the file. Other submittals required for a Permit to Operate include Financial Responsibility, Operator statement of compliance, Designated Operator assignment, Site Plan, Response Plan, etc.

Many of these may have already been submitted and in the electronic file. Include in the correction plan a mechanism or procedure to review files to ensure that all the required submittals are accounted for, and how the newly submitted forms will be handled and incorporated into the files.

CUPA Corrective Action (Update 2):

- In August of 2008, the DEH-HMD established a designated field in the KIVA database to collect the tank owner information received from the new Unified Program Consolidated forms.
- HMD continues to receive updated information packets from the regulated facilities. Field inspectors review the forms and add a comment in the KIVA database, indicating that the information has been received and sent to file.
- HMD's last Unified Program Summary report identified 1097 permitted UST facilities in the County of San Diego. To date, the DEH-HMD has received information on the new UST forms for 314 UST sites, or 29% of all facilities.
- In an effort to search more readily for UST forms that are already in the scanned files, the HMD has identified additional data fields that will be used to flag electronic documents.

SWRCB Response: The SWRCB evaluator is pleased with the progress the CUPA is making to correct this deficiency; however, the CUPA's statement does not speak to submittals other than the UPCF's. These are only part of the submittals that must be in the file. Other submittals required for a Permit to Operate include Financial Responsibility, Operator statement of compliance, Designated Operator assignment, Site Plan, Response Plan, etc. Please provide a statement in the plan that indicates all of the required submittals will be collected and incorporated into the files.

Deficiency 2: The CUPA is not ensuring that the facilities subject to the annual inventory submittal submit updated inventories or certify that there is no change in their inventory.

Preliminary Corrective Action(s): By July 24, 2008, the CUPA will develop and begin implementing an action plan for ensuring facilities have submitted updated inventories or certification that there is no change in their inventories. The CUPA will also update Cal/EPA on the progress of implementing the action plan, until Cal/EPA determines the deficiency has been corrected in the deficiency progress reports.

CUPA Corrective Action, (Update 1): The County of San Diego has implemented the following steps to correct this deficiency:

- In July 2008, the DEH-HMD sent a letter to all businesses identified as not having an updated inventory or certifying that there were no

changes in their inventory requesting updates to their inventory and emergency contacts as well as a signed Certification Statement . Letters included a summary of the businesses' chemical inventory and their emergency contact information.

- In July 2008, the DEH-HMD conducted training for all environmental health specialists during its CUPA Quarterly training session to address deficiencies encountered during the CUPA Evaluation and the steps being taken to correct them. Sign up sheets and training agenda were attached to this report.
- To date (07/24/08), current HMBP Certification Statements have been received for 50% of all permitted agricultural sites in the County.

CUPA Corrective Action, (Update 2)

- The HMD is focusing its efforts on those sites that are most delinquent in annual inventory updates or certifications. Percentage HMD's last Annual Summary Report, 8722 businesses are subject to HMBP requirements
- Using the baseline identified in the CUPA evaluation, 78% of businesses have submitted the required certifications and/or inventory updates.
- HMD continues to verify information during field inspections.

Cal/EPA Response: Cal/EPA is satisfied with the process and progress the CUPA has demonstrated addressing this deficiency and considers it to be corrected.

Deficiency 3: The CUPA is not citing violations in a manner consistent with the definitions of minor, Class II or Class I as provided in law and regulation.

Preliminary Corrective Action(s): By July 24, 2008, the CUPA will ensure that staff is trained and familiar with the statutory and regulatory definitions for the different hazardous waste violation classifications.

CUPA Corrective Action, (Update 1):

- In July 2008, the DEH-HMD conducted training for all environmental health specialists during its CUPA Quarterly training session. Sign-in sheets and training agenda were attached to this report.
- In July 2008, the DEH-HMD started using the Notice of Violation form exclusively for class I violations. In July 2008, the DEH-HMD drafted new language for the Compliance Inspection Report to document Corrective Action for minor violations. Language has been submitted to County's legal counsel for evaluation and

DTSC Response:

CUPA Corrective Action, (Update 2):

- HMD has incorporated language reviewed by County of San Diego's legal counsel into the new Notice of Violation and Compliance Report. The new forms have been ordered.
- Field staff will start using these new forms as soon as they are received from the printer.

DTSC Response: Cal/EPA and DTSC appreciate the effort to address this deficiency and consider the corrective action sufficient to correct the deficiency. Please provide a copy of the new Notice of Violation and Compliance Inspection Report when it becomes available to the CUPA staff.

Deficiency 4: The CUPA is inconsistently documenting that all facilities that have received a Notice to Comply citing minor violations have returned to compliance within 30 days of notification.

Preliminary Corrective Action(s): By May 24, 2008, the CUPA will ensure that facilities who are cited for minor violations during hazardous waste inspections have either submitted the CUPA's Return to Compliance form or its equivalent within the required corrective action date.

CUPA Corrective Action, (Update 1): Corrective action taken by the CUPA during the first reporting period was deemed sufficient by Cal/EPA; no further updates are necessary for this deficiency.